

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
)
)
v.) No. 1:10cr485 (LMB)
)
)
JEFFREY ALEXANDER STERLING,)
)
)
Defendant.

GOVERNMENT'S EXHIBIT LIST

| EXHIBIT NUMBER | DESCRIPTION OF EXHIBIT |
|----------------|--|
| 1. | CIA Security Agreement of Jeffrey Sterling, Dated 05/14/93 |
| 2. | CIA SCI Non-Disclosure Agreement of Jeffrey Sterling, Dated 05/20/93 |
| 3. | CIA SCI Non-Disclosure Agreement of Jeffrey Sterling, Dated 01/04/94 |
| 4. | CIA SCI Non-Disclosure Agreement of Jeffrey Sterling, Dated 05/28/99 |
| 5. | CIA Cable, Dated 01/06/97 |
| 6. | CIA Cable, Dated 05/28/97 |
| 7. | CIA Cable, Dated 02/02/98 |
| 8. | CIA Cable, Dated 04/15/98 |
| 9. | CIA Cable, Dated 05/15/98 |
| 10. | CIA Cable, Dated 10/29/98 |
| 11. | CIA Cable, Dated 11/05/98 |
| 12. | CIA Cable, Dated 11/09/98 |
| 13. | CIA Cable, Dated 11/17/98 |
| 14. | CIA Cable, Dated 11/25/98 |
| 15. | CIA Cable, Dated 12/11/98 |
| 16. | CIA Cable, Dated 12/18/98 |
| 17. | CIA Cable, Dated 01/19/99 |
| 18. | CIA Cable, Dated 02/04/99 |
| 19. | CIA Cable, Dated 02/16/99 |
| 20. | CIA Cable, Dated 02/26/99 |
| 21. | CIA Cable, Dated 03/01/99 |
| 22. | CIA Cable, Dated 03/22/99 |
| 23. | CIA Cable, Dated 04/12/99 |
| 24. | CIA Cable, Dated 05/13/99 |
| 25. | CIA Cable, Dated 05/28/99 |
| 26. | Letter, Dated 06/09/99, from the National Laboratory to CIA |
| 27. | CIA Cable, Dated 06/29/99 |

| EXHIBIT NUMBER | DESCRIPTION OF EXHIBIT |
|-----------------------|---|
| 28. | Letter, Dated 07/28/99, from the National Laboratory to CIA |
| 29. | CIA Cable, Dated 07/23/99 |
| 30. | CIA Cable, Dated 11/05/99 |
| 31. | CIA Cable, Dated 11/24/99 |
| 32. | CIA Cable, Dated 12/01/99 |
| 33. | CIA Cable, Dated 12/16/99 |
| 34. | Inspector General Complaint, Dated 12/20/99, Filed by Jeffrey Sterling |
| 35. | CIA Cable, Dated 01/12/00 |
| 36. | CIA Cable, Dated 01/14/00 |
| 37. | CIA Cable, Dated 02/17/00 |
| 38. | CIA Cable, Dated 02/22/00 |
| 39. | Photograph of 19 Heinestrasse, Vienna, Austria |
| 40. | Close-Up Photograph of 19 Heinestrasse, Vienna, Austria |
| 41. | Photograph of the Tenant Directory for 19 Heinestrasse, Vienna, Austria |
| 42. | Close-Up Photograph of Tenant Directory for 19 Heinestrasse, Vienna, Austria |
| 43. | Photograph of Intercontinental Hotel at Stadtpark, Vienna, Austria |
| 44. | CIA Cable, Dated 03/10/00 |
| 45. | CIA Cable, Dated 04/06/00 |
| 46. | CIA Cable, Dated 05/05/00 |
| 47. | CIA Cable, Dated 05/25/00 |
| 48. | Memorandum for the Record, Dated 05/17/00, for Jeffrey Sterling |
| 49. | Security Guidelines for EEO Complaints, Dated 05/17/00, for Jeffrey Sterling |
| 50. | Procedures for Processing EEO Complaints of Employees Under Cover, Dated 05/17/00, for Jeffrey Sterling |
| 51. | Letter, Dated 07/17/00, Regarding Settlement Offer from Jeffrey Sterling to CIA |
| 52. | Lotus Note, Dated 08/03/00, Memorializing Conversation with Jeffrey Sterling |
| 53. | Lotus Note, Dated 08/08/00, Memorializing Meeting with Michael Sheehy and Wyndee Parker by David Shedd |
| 54. | Equal Employment Opportunity Formal Complaint of Jeffrey Sterling, Dated 08/15/2000 |
| 55. | Letter, Dated 09/13/00, Regarding Equal Employment Opportunity Complaint of Jeffrey Sterling from CIA to Attorney Nick Brustein |
| 56. | Letter, Dated 09/29/00, Regarding Change in Attorneys from Jeffrey Sterling to CIA |
| 57. | Letter, Dated 11/16/00, Regarding Settlement Offer from Bantle & Levy on Behalf of Jeffrey Sterling to CIA |
| 58. | Letter, Dated 03/08/01, Regarding Completion of Investigation Report from CIA to Bantle & Levy and Jeffrey Sterling |
| 59. | Redacted 1999 PAR, Dated 09/99, Provided to Jeffrey Sterling as Part of EEO Investigative File |
| 60. | Redacted 2000 PAR, Dated 08/00, Provided to Jeffrey Sterling as Part of EEO Investigative File |
| 61. | Letter, Dated 03/21/01, Regarding Request for Final Decision from Jeffrey Sterling to CIA |
| 62. | Memorandum, Dated 05/07/01, Regarding Jeffrey Sterling's Separation from the CIA for Suitability Reasons |
| 63. | Letter, Dated 05/24/01, Regarding No Prima Facie Case of Discrimination from CIA to Bantle & Levy and Jeffrey Sterling |

| EXHIBIT NUMBER | DESCRIPTION OF EXHIBIT |
|----------------|--|
| 65. | Redacted Civil Complaint, Dated 08/28/01, Filed by Jeffrey Sterling in the Southern District of New York |
| 66. | Letter, Dated 10/17/01, Regarding Settlement Offer from Attorney Mark Zaid on Behalf of Jeffrey Sterling to CIA |
| 73. | Memorandum, Dated 10/31/01, Terminating Employment of Jeffrey Sterling with CIA |
| 74. | Employment Contract, Dated 10/31/01, from 11/01/11 Through 01/31/02 for Jeffrey Sterling Within EEO Investigative File |
| 75. | <i>New York Times</i> Article by James Risen, "Nation Challenged: The Intelligence Agency; Secret C.I.A. Site in New York Was Destroyed on Sept. 11," Dated 11/04/01 |
| 77. | Unclassified Civil Complaint, Dated 01/11/02, Filed on Behalf of Jeffrey Sterling in the Southern District of New York |
| 78. | Letter, Dated 01/28/02, Regarding Memoirs from Jeffrey Sterling to CIA's Publications Review Board |
| 79. | CIA SCI Non-Disclosure Agreement of Jeffrey Sterling, Dated 01/31/02 |
| 81. | Letter, Dated 02/07/02, Regarding Memoirs from CIA's Publications Review Board to Jeffrey Sterling |
| 83. | <i>New York Times</i> Article by James Risen, "Fired by C.I.A., He Says Agency Practiced Bias," Dated 03/02/02 |
| 84. | Letter, Dated 03/08/02, Regarding Memoirs from CIA's Publications Review Board to Jeffrey Sterling |
| 86. | Letter, Dated 03/28/02, Regarding Memoirs from CIA's Publications Review Board to Jeffrey Sterling |
| 87. | Letter, Dated 04/16/02, Confirming Meeting on 04/18/02 from CIA's Publications Review Board to Jeffrey Sterling |
| 89. | Letter, Dated 10/22/02, Regarding Additional Submission from Jeffrey Sterling to CIA's Publications Review Board |
| 90. | Letter, Dated 12/02/02, Regarding Additional Time Needed for Review from CIA's Publications Review Board to Jeffrey Sterling |
| 91. | Letter, Dated 12/23/02, Regarding Additional Time from CIA's Publications Review Board to Jeffrey Sterling |
| 92. | Letter, Dated 01/03/03, Regarding Need for Additional Revisions and Redactions from CIA's Publications Review Board to Jeffrey Sterling |
| 93. | Lotus Note, Dated 01/07/03, Memorializing Phone Conversation Between Jeffrey Sterling and CIA's Publications Review Board |
| 94. | Order Transferring Civil Complaint of Jeffrey Sterling to the Eastern District of Virginia Based on Memorandum Opinion, Dated 01/23/03 |
| 95. | Letter, Dated 01/27/03, Regarding Settlement Offer from Jeffrey Sterling's Attorney to CIA |
| 96. | Letter, Dated 02/12/03, Regarding Settlement Offer from Jeffrey Sterling's Attorney to CIA |
| 98. | Summary Chart of Telephone Calls Between Jeffrey Sterling and James Risen from 02/27/03 Through 11/20/05 |
| 99. | Civil Complaint, Dated 03/04/03, Regarding CIA's Publications Review Board Filed by Jeffrey Sterling in the District of Columbia |
| 100. | Senate Select Committee on Intelligence Sign-In Sheet, Dated 03/05/03, for Jeffrey Sterling and Attorney Mark Zaid |

| EXHIBIT NUMBER | DESCRIPTION OF EXHIBIT |
|-----------------------|---|
| 101. | Memorandum for the Record, Dated 04/25/03, Memorializing Meeting Between SSCI and Jeffrey Sterling on 3/05/2003 |
| 102. | Email, Dated 03/10/03, with Attachment Regarding the Iranian Nuclear Weapons Program Sent by Jeffrey Sterling to James Risen |
| 103. | CIA Cable, Dated 03/11/03 |
| 105. | Handwritten Telephone Log, Dated 04/03/03, for William Harlow |
| 106. | Lotus Note, Dated 04/03/03, Memorializing Conversation Between William Harlow and James Risen |
| 107. | Handwritten Telephone Log, Dated 04/04/03, for William Harlow |
| 108. | Lotus Note, Dated 04/04/03, Memorializing Conversation Between William Harlow and James Risen |
| 110. | Email Chain, Dated 04/25/03, from Lorenzo Goco Regarding CIA Briefing |
| 111. | Handwritten Telephone Log, Dated 04/25/03, for William Harlow |
| 112. | Lotus Note, Dated 04/25/03, Memorializing Conversation Between William Harlow and James Risen |
| 113. | Lotus Note, Dated 05/01/03, Memorializing a White House Meeting Between Senior Executive Branch Officials and <i>The New York Times</i> |
| 114. | Talking Points Prepared by William Harlow for the White House Meeting Held on 4/30/03 |
| 115. | Lotus Note, Dated 05/06/03, from William Harlow Regarding <i>The New York Times'</i> Decision Not to Publish |
| 116. | Letter, Dated 08/25/03, Regarding Additional Revisions and Redactions from CIA's Publications Review Board to Jeffrey Sterling |
| 117. | Data recovered from Dawson computer, No. 93 |
| 118. | Certified Copy of Order, Dated 03/03/04, Dismissing Civil Complaint of Jeffrey Sterling Filed in the Eastern District of Virginia |
| 119. | Data recovered from Dawson computer, No. 85 |
| 120. | Data recovered from Dawson computer, Nos. 113 and 149 |
| 121. | Data recovered from Dawson computer, No. 103 |
| 122. | Data recovered from Dawson computer, No. 23 |
| 123. | Data recovered from Dawson computer, No. 20 |
| 124. | Data recovered from Dawson computer, No. 130 |
| 125. | Credit Card Statement, Dated 06/06/04 to 07/07/04, Bearing a Federal Express Charge on 06/11/04 for James Risen |
| 126. | Data recovered from Dawson computer, Nos. 148, 150, 158, 155, 154 |
| 127. | Stipulation of Dismissal with Prejudice, Dated 07/30/04, of Civil Complaint Filed in the District of Columbia |
| 128. | Book Proposal Captioned "Untitled CIA Book" Submitted to Simon & Schuster by James Risen |
| 129. | Credit Card Statement, Dated 11/06/04 to 12/05/04, Bearing Intercontinental Hotel, Vienna, Austria, Charges for James Risen |
| 130. | Certified Copy of Opinion, Dated 08/03/05, Affirming Dismissal of Civil Complaint of Jeffrey Sterling |
| 131. | Barnes & Noble Shipping Records for <i>State of War</i> |
| 132. | Chapter 9, <i>State of War</i> (Numbered by Paragraph) |
| 133. | CIA Cable, Dated 01/06/06 |

| EXHIBIT NUMBER | DESCRIPTION OF EXHIBIT |
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| 134. | Memorandum, Dated 01/10/06, Regarding Fallout from James Risen's <i>State of War</i> , from David Shedd to DNI John Negroponte |
| 135. | CIA Cable, Dated 01/23/06 |
| 137. | MSN Hotmail Preservation Letter, Dated 04/15/06, to Federal Bureau of Investigation |
| 139. | Grand Jury Subpoena, Dated 06/15/06, for Jeffrey Sterling |
| 140. | MSN Hotmail Preservation Letter, Dated 07/14/06, to Federal Bureau of Investigation |
| 141. | Search Warrant, Dated 10/12/06, for MSN Hotmail Accounts of Jeffrey Sterling Issued in the Eastern District Virginia |
| 142. | Classified Document, Undated, Seized from the Residence of Jeffrey Sterling on 10/05/06 |
| 143. | Classified Document, Undated, Seized from the Residence of Jeffrey Sterling on 10/05/06 |
| 144. | Classified Document, Undated, Seized from the Residence of Jeffrey Sterling on 10/05/06 |
| 145. | Classified Evaluation of Interim Assignment, Dated 10/21/93, Seized from the Residence of Jeffrey Sterling on 10/05/06 |
| 146. | Record of File Entitled "Merlin.doc" |
| 157. | Photocopy - Seagate Model ST33210A Hard Drive Removed from Packard Bell Computer Tower Obtained from Lora Dawson (FBI Control No. 1B1) |
| 158. | Photocopy - Western Digital Hard Drive Model WMA7H1424384 (FBI Control No. 1B5) Containing Image of Hard Drive in GX157 |
| 159. | Photocopy - Disk (FBI Control No. 1B7) Containing Keyword Search from Image of Hard Drive Removed from 1B1 |
| 160. | Photocopy - Disk (FBI Control No. 1B8) Containing Keyword Search from Image of Hard Drive Removed from 1B1 |
| 161. | Stipulation No. 1: Risen Bank Statements |
| 162. | Stipulation No. 2: Phone and Email Subscriber Information |
| 163. | Stipulation No. 3: Phone Contacts Between Jeffrey Sterling and James Risen |
| 164. | Stipulation No. 4: Chain of Custody Packard Bell Computer Obtained from Lora Dawson |
| 166. | Stipulation No. 6: National Laboratory Estimate of Cost to CIA for Classified Program No. 1 as of 07/98 |
| 167. | Stipulation No. 7: <i>State of War</i> and Book Proposal |
| 168. | Stipulation No. 8: Barnes and Noble Records |
| 169. | Stipulation No. 9: Documents Seized from Residence of Jeffrey Sterling in O'Fallon, Missouri, on 10/05/06 |
| 173. | Stipulation No. 10: Testimony of James Risen |
| 174. | Stipulation No. 11: Testimony of John and Lora Dawson |
| 175. | Stipulation No. 12: Phone Contacts from Jeffrey Sterling to Ronald Kessler and the Washington, D.C. office of <i>The Los Angeles Times</i> |
| 176. | Stipulation No. 13: Payments to Merlin and his wife from the CIA |